

Regular Session, 2010

ACT No. 755

HOUSE BILL NO. 1458

BY REPRESENTATIVE LABRUZZO AND SENATORS APPEL, DORSEY, LAFLEUR,
AND NEVERS

1 AN ACT

2 To enact R.S. 17:416.13(C) and (D), relative to student codes of conduct; to provide relative
3 to a review by a local school board of the student code of conduct; to provide relative
4 to the purpose of such review and to require certain actions as necessary; to provide
5 guidelines and a timeline for such review; to provide definitions; to provide relative
6 to certain notifications to students; to provide relative to the investigation of reports
7 of certain prohibited actions; to provide relative to documentation and reporting of
8 certain student behavior related incidents; to provide for rules; to provide an
9 effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:416.13(C) and (D) are hereby enacted to read as follows:

12 §416.13. Student code of conduct; requirement; harassment, intimidation, and
13 bullying; prohibition; exemptions

14 * * *

15 C.(1) By not later than January 1, 2011, the governing authority of each
16 public elementary and secondary school shall conduct a review of the student code
17 of conduct required by this Section and amend such code as may be necessary to
18 assure that the policy prohibiting the harassment, intimidation, and bullying of a
19 student by another student specifically addresses the nature, extent, causes, and
20 consequences of cyberbullying.

1 (2) For the purposes of this Subsection, the term "cyberbullying" shall mean
2 harassment, intimidation, or bullying of a student on school property by another
3 student using a computer, mobile phone, or other interactive or digital technology
4 or harassment, intimidation, or bullying of a student while off school property by
5 another student using any such means when the action or actions are intended to have
6 an effect on the student when the student is on school property.

7 D.(1) Beginning on January 1, 2011, and continuing thereafter, the governing
8 authority of each public elementary and secondary school shall inform each student,
9 in writing within ten days after enrolling in school of the prohibition against
10 harassment, intimidation, and bullying, including cyberbullying, of a student by
11 another student; the nature and consequences of such actions; and the proper process
12 and procedure for reporting any incidents involving such prohibited actions.

13 (2) By not later than January 1, 2011, the governing authority of each public
14 elementary and secondary school shall develop and adopt a policy establishing
15 procedures for the investigation of reports of harassment, intimidation, and bullying,
16 including cyberbullying, of a student by another student.

17 (3)(a) The state Department of Education shall develop a behavior incidence
18 checklist that the governing authority of each public elementary and secondary
19 school shall use to document the details of each reported incident of harassment,
20 intimidation, and bullying, including cyberbullying.

21 (b) The governing authority of each public elementary and secondary school
22 shall report all such documented incidences of harassment, intimidation, and
23 bullying, including cyberbullying, to the Department of Education as prescribed in
24 rules adopted by the State Board of Elementary and Secondary Education in
25 accordance with the Administrative Procedure Act.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____